

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Feb 02, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

PETER MICHAEL MAGANA,

Defendant.

No. 2:12-CR-0016-WFN-4

ORDER DENYING REQUEST
FOR VIDEO APPEARANCE

Pending before the Court is Defendant's Motion to Permit Unopposed Withdrawal of Plea, Entry to an Amended Plea, Via Video. ECF No. 1020. The Court does not conduct change of plea or sentencing hearings via video absent exigent circumstances. The Center for Disease Control indicates that "most viruses and other germs do not spread easily on flights because of how air is circulated and filtered on airplanes." <https://www.cdc.gov/coronavirus/2019-ncov/travelers/travel-during-covid19.html>.

The Court has reviewed the file and Motions and is fully informed. Accordingly,

IT IS ORDERED that:

1. Defendant's Motion to Permit Unopposed Withdrawal of Plea, Entry to an Amended Plea, Via Video, filed January 12, 2021, **ECF No. 1020**, is **DENIED**. However, to accommodate Defendant's travel and to allow him to avoid spending the night in a hotel, the Court will reset the sentencing hearing time to later in the morning.

2. Defendant's February 11, 2021, sentencing hearing is **CONFIRMED but RESET IN TIME ONLY to 11:00 a.m., in person, in Spokane**, Washington.

The District Court Executive is directed to file this Order and provide copies to counsel **AND TO** United States Probation Officer Shawn Kennicutt.

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